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PERIODICAL

Bill to Protect Mitchell-Lama Tenants Gains

By Nathan Weber

The threat of a downpour did not stop some 400 Mitchell-Lama tenants and their supporters, including social service agencies, unions, and a few political representatives, from massing on the steps of City Hall on Oct. 29, in loud support of Intro 523, the Mitchell-Lama Conversion Protection Bill. The occasion was a press conference and subsequent hearings on the bill.

Introduced by City Council Speaker Gifford Miller in August, the bill is being fought vehemently by real-estate interests, and especially by Laurence Gluck, the new mega-millionaire owner of Independence Plaza North in lower Manhattan. Gluck's plan to opt out of the Mitchell-Lama program and charge market rents for IPN's 1,340 apartments—containing low, moderate and middle-income tenants—was a motivating factor in developing the proposed legislation.

Current law allows owners to opt out by paying off the remaining mortgage on the properties after 20 years. So far, 43 M-L projects in the city and state, containing 17,000 apartments, have been removed from the rent protections the program offers. At least eight more are facing opt-outs.

Intro 523 would apply to the about 65 Mitchell-Lama buildings administered by the city, comprising about 25,000 of the 140,000 units in the program statewide. The bill, which so far has 33 sponsors in the Council, would mandate the following:

- Prior to a buyout, any owner of a city-administered Mitchell-Lama would have to demonstrate to the Department of Housing Preservation and Development that the building or complex has been in "substantial compliance" with all M-L rules and regulations from its inception. (Many tenants allege years of non-compliance in areas such as maintenance and security.) In the event of noncompliance, HPD could impose stiff penalties—such as three times the amount of damages suffered by the city or by tenants.
- As with environmental-protection laws, the owner would also have to fund a study, to be done by HPD, showing the impact of the buyout on the tenants, in particular the loss of so many units of affordable housing. Among other things, the study would "focus on mitigation measures to address the loss of affordable housing units."
- More important, the owner must either implement those recommendations, or fund the city's own program to enact them. While the bill does not spell out the specifics of "mitigation," clearly, any such efforts would run into tens of millions of dollars. The last thing landlords want is to provide new affordable units to compensate for the ones they remove.
- For the study, and other costs of administering the buyout, the owner will be charged a fee of $1,000 per unit. At IPN, that would amount to more than a million dollars.
- The bill extends the period in which an owner could buy out from the current one year to 18 months after notifying HPD and the tenants. This not only gives the tenants additional

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STEVEN WISHNIA

Mitchell-Lama tenants endured half-hour lines at the City Hall metal detectors to demand that the City Council enact a law to protect them.

Tenant Blacklist

Landlords Use Housing Court Data to Screen Renters

By Steven Wishnia

If you're a tenant and you've ever been to Housing Court, you may have a very hard time finding an apartment if you try to move.

A growing number of landlords are using tenant-screening companies that offer detailed data on prospective renters far beyond routine credit checks. One of the largest tenant-screening companies, First American Registry, based in Rockville, MD, says it issues 17,000 reports a day, which include "Tenant Account Records" from a "nationwide network of landlords and property managers" and numerical risk ratings based on a tenant's credit and court records. It advertises "fast, accurate, and complete access to over 33 million landlord/tenant eviction court records covering over 80% of the U.S."

If a tenant has been to Housing Court, that lowers their chances of getting an apartment "dramatically," asserts one Manhattan real-estate agent, who estimates that about half the landlords he works with use the screeners. "If you were an owner, and somebody's got a job and good credit, but it came up that they've been to court, would you rent to them?" he asks. "If it's nonpayment, obviously not. If it's a holdover, that's worse. If it's an HP action, that's even worse."

"Right away, thousands of red flags go up," adds another Manhattan real-estate agent, who says about 80 percent of her clients check for court history. "Unfortunately, it's not always fair—sometimes the tenant is right."

"It's happening everywhere," says tenant lawyer James Fishman. "This is a really big problem." With around 365,000 residential Housing Court cases filed each year—about 90 percent nonpayment eviction attempts, the rest "holdover" lease-violation evictions and "HP actions," in which the tenant sues the landlord to force repairs—a lot of tenants' names are making the companies' lists.

"The only time people realize this is when they try to look [for an apartment] and they can't," says Fishman.

He calls the practice "pernicious." The records last for seven years, and are often not updated. Most landlord/tenant cases are dropped or settled, but he says the registries still list them as "case filed." Earlier this year, a broker told one of his clients not to bother trying to find an apartment, because her file showed three nonpayment cases from 1996. In another case, the executor of a tenant's will got on the lists because he'd been named as a defendant in a suit against the deceased man's estate. Tenants named in owner-occupancy evictions also make the lists, as do tenants where the eviction attempt was pure harassment.

Government housing agencies often tell tenants that the best way to get repairs done is to go on rent strike—but "that advice gets you blacklisted," Fishman says. And if you file an HP action, "then you're a real troublemaker." As the screening companies and databases are national, he adds, the blacklist can follow tenants if they move

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Homelessness Up, City Spending to Prevent It Isn't

The number of homeless families staying in municipal shelters rose by 23 percent in the past year, but the city's spending on programs to prevent homelessness has stayed flat, according to a report by the city's Independent Budget Office.

The report, issued Oct. 23, notes that an average of 38,000 adults and children now spend the night in city shelters, up from 31,000 last year. The city spent $160 million to help households "facing an imminent threat of homelessness" in fiscal 2003, about 2 percent more than it did in 2001. More than 90 percent of this money comes from the Human Resources Administration.

"Many have argued that increasing spending on these programs would save the city money in the long run, because the per-household expenditure for prevention is generally substantially less than the cost of emergency shelter," the report stated. The average cost of placing a family in a homeless shelter is $25,000, it said, while the Administration for Children's Services spends about $3,500 a year per household on housing subsidies, and the average emergency grant to help poor families pay rent was $2,445.

While it is impossible to say how much this aid prevented people from becoming homeless, the report said, "because emergency shelter is so expensive, prevention programs could potentially save the city money even if a majority of assistance recipients would not have become homeless in the absence of the aid."

The nature of this aid has changed significantly, it added. In fiscal 2001, almost two-thirds of HRA's $147 million homelessness-prevention budget went to "Jiggetts payments"—court-ordered monthly supplements to cover the difference between the shelter allowance given to people on public assistance and their actual rent. This year, with welfare rolls slashed, HRA spent $64 million on one-time emergency grants to help poor people not on welfare pay rent shortfalls, broker fees and security deposits, or back rent.

"Low-income households, particularly those with children—many of them former welfare recipients—continue to face significant housing emergencies," the report said. "The growth in one-time emergency assistance reflects the rising demand for housing assistance."

The emergency grants are likely to surpass Jiggetts payments soon, it added. The state has raised the shelter allowance for public-assistance households, and plans to phase out Jiggetts payments if the courts let it. Meanwhile, HRA spending on social workers and legal aid for families facing eviction has been cut by 10 percent since 2001, to $17.6 million.

—Steven Wishnia

TALLER DE DERECHOS DE INQUILINOS

¿Es usted inquilino de renta regulada? ¿Cuáles son los beneficios de tener la renta regulada?

¿Tiene o quiere usted un contrato de renta (*lease*)?

¿Quiere saber cómo hacer que el casero haga los arreglos necesarios en su apartamento o edificio?

¿Sabía usted que no puede ser desalojado sin una orden de la corte?

¿Cuáles son los derechos de un inquilino indocumentado?

¿Dónde se hace una solicitud para obtener vivienda pública subsidiada (a bajo precio)?

Mariano Muñoz, del Consejo Metropolitano de Vivienda (Met Council on Housing), ofrecerá talleres gratuitos para la comunidad acerca de los derechos de inquilinos en la ciudad de Nueva York, y contestará preguntas al respecto.

FECHAS Y LUGARES

El jueves noviembre 20 a las 10:30a
y el martes noviembre 24 a las 6:30p
Latin American Integration Center
49-06 Skillman Ave., Woodside
Entre las calles 49 & 50
Tomar el tren '7' a la calle 52
(718) 565-8500

El jueves diciembre 6 a las 6:30p
Make the Road By Walking
301 Grove St., Brooklyn
Entre Knickerbocker & Myrtle
Tomar el tren 'M' a Knickerbocker
Tomar el tren 'L' a Myrtle
(718) 418-7690 ext 95

Hotline Volunteers Needed!

Our phones are ringing off the hook! Met Council is looking for people to counsel tenants on our hotline. We will train you! The hotline runs on Mondays, Wednesdays and Fridays from 1:30-5 p.m. If you can give one afternoon a week for this crucial service to the tenant community, call Jenny at (212) 979-6238 x3.

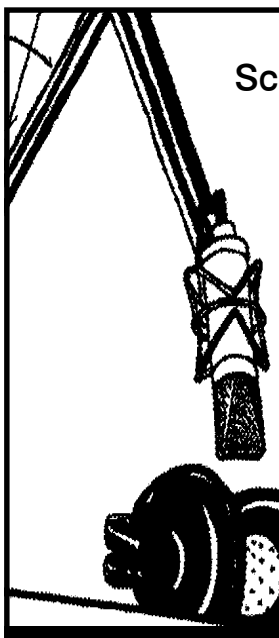
Watch Rent Wars News

the weekly tenants show that covers the news, people, and events that affect New York's tenants.

Brooklyn
Every Monday at 7 p.m.:
Time Warner Channel 34 or
Cablevision Channel 67

Manhattan
Every Sunday at 6 p.m.:
Time Warner Ch. 67 or RCN Ch. 110. Without converter:
Time Warner Ch. 16
or RCN Ch. 110

Also check out
www.rentwars.com
Participate in the RWN Forum, post events, listen to interviews and specials online, and read show supplements that go deeper into the stories covered on the show.



Scott Sommer hosts Met Council's

HOUSING NOTEBOOK

Mondays at 8:00 p.m. on WBAI 99.5 FM

Listen on the Internet
www.wbaifree.org/index.html

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TenantNet™ Online Resource for Residential Tenants

New York Tenants on the World Wide Web

http://tenant.net
email: tenant@tenant.net

- Met Council's Tenant/Inquilino newspaper posted monthly
- News from other NY tenant groups
- Fact Sheets & complete Housing Laws
- Bulletin Board & e-mail mailing list
- Rent Control/Rent Stabilization/DHCR information
- Weekly Housing Court Decision summaries

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EL INQUILINO HISPANO

Lista negra de inquilinos

Los caseros usan información de la corte de vivienda para conocer los antecedentes de los inquilinos

Por Steven Wishnia
Traducido por Lightning Translations

Si usted es inquilino y ha estado alguna vez en la corte de vivienda, tal vez le sea difícil encontrar un apartamento si trata de mudarse.

Cada vez más caseros están usando compañías de investigación de inquilinos las cuales ofrecen sobre posibles inquilinos información detallada que va mucho más allá de las rutinarias verificaciones de crédito. Una de las compañías más grandes de investigación de inquilinos, First American Registry, con oficinas principales en Rockville, MD, afirma que expide 17,000 informes al día y que incluyen "Registros de Cuenta de Inquilinos" de una "red nacional de caseros y administradores de propiedades," así como clasificaciones de riesgos numéricos basadas en registros de crédito y comparecencias de los inquilinos en la corte. Esta compañía anuncia "acceso rápido, preciso y completo a más de 33 millones de registros de casos de desalojo entre los caseros y los inquilinos cubriendo más del 80% de los Estados Unidos."

Si algún inquilino ha estado en la corte de vivienda, se reducirán sus posibilidades de encontrar un apartamento "de manera dramática," asevera un agente de bienes raíces de Manhattan quien estima que cerca de la mitad de los caseros con quienes trabaja usan los registros. "Si usted fuera un propietario y alguien tuviera un buen empleo y buen crédito, pero resultara que había comparecido ante la corte, ¿le alquilaría?" pregunta. "Si es por falta de pago, no lo haría. Si fuera por retención de departamento, mucho menos. Y si es en una acción de HP, aun peor."

"De inmediato se alzan miles de señales de alarma," agrega otro agente de bienes raíces de Manhattan, quien dice que un 80% de sus clientes verifican la historia de apariciones en la corte por parte de los inquilinos.

pasa a la página 4

Los Ajustes de la "Junta de Regulación de Renta" de la Ciudad de Nueva York (Orden No. 35)

Para los contratos de apartamentos de Renta Estabilizada que comienzan el 1ro. de octubre de 2003 hasta el 30 de septiembre de 2004, incluyendo las concesiones de Pataki adoptadas por la Legislatura Estatal el 19 de junio de 1997

Los topes de renta que aparecen en el cuadro son los incrementos máximos que los dueños de edificios pueden cobrar legalmente por los apartamentos de renta estabilizada en la ciudad de Nueva York. Son válidos para todos los contratos que comienzan dentro del período de doce meses a partir del 1ro. de octubre de 2003. Los incrementos de alquiler basados en las pautas para la renovación del contrato de 1 o 2 años pueden cobrarse solamente una vez durante el período cubierto por dichas pautas, y deben ser aplicados a la renta legal estabilizada para el 30 de septiembre de 2003. Las cantidades que aparecen en el cuadro y los incrementos para los apartamentos vacíos no se aplican a los apartamentos que estaban sujetos a renta controlada en aquella fecha. No se permite el recargo también conocido como el «impuesto de pobres.»

Los Contratos para Apartamentos Vacíos o Nuevos En junio de 1997, el gobernador George Pataki, al intentar destruir la regulación de rentas, forzó cambios que les dieron a los caseros un recargo muy grande por los apartamentos vacíos. Una cláusula de la "Reforma al Acta de Regulación de Renta" de 1997 permite que los nuevos alquileres sean incrementados en un porcentaje obligatorio: 20% para un contrato de dos años, y por un contrato de 1 año, 20% de incremento menos la diferencia en el tope de renovación para los contratos de 1 y 2 años. La ley permite también incrementos adicionales para los apartamentos vacíos donde no se habían cobrado incrementos por desocupación por ocho años o más.

Exceso de Cobro Los inquilinos deben estar al tanto de que muchos caseros van a aprovecharse de la complejidad de estas regulaciones y subvenciones, así como del poco conocimiento de los inquilinos del historial de renta de sus apartamentos, para cobrar un alquiler ilegal. Una vez que el inquilino haya tomado posesión del apartamento, puede escoger entre llenar un formulario de queja de exceso de cobro de renta con la oficina de la División de Vivienda y Renovación Comunal (DHCR), o disputar la cantidad de la renta en la corte de vivienda de la ciudad para que se determine cuál es el alquiler legal.

Si un posible inquilino da muestras de conocer sus derechos, lo más probable es que el casero no firmará ningún contrato con tal inquilino. Los caseros evitan contratar con inquilinos que les pueden dar problemas. El exceso de cobro de alquiler es muy común. Todos los inquilinos deben luchar contra posibles excesos de cobro. Obtenga y llene un formulario *Form RA-89* con la oficina de DHCR para determinar el alquiler correcto en los archivos oficiales. Llame a la DHCR a (718) 739-6400 para obtener un formulario, o búsquelo en el sitio www.dhcr.state.ny.us.

La Apelación de la Renta de Mercado Justa Otro tipo de exceso de cobro sucede frecuentemente cuando se vacía un apartamento que previamente estaba sujeto a renta controlada y se alquila con renta estabilizada. La Junta de Regulación de Renta (RGB) establece anualmente lo que ellos llaman el "Tope Especial de la Renta de Mercado Justa," el cual es empleado por la DHCR para bajar las rentas de mercado injustas de los inquilinos que llenan el formulario llamado "Apelación a la Renta Justa de Mercado" (FMRA). Según la Orden 35, es la Renta de Mercado Justa de HUD o un 50% sobre la renta base máxima. Ningún inquilino de un apartamento de renta estabilizada que fue descontrolado el 1ro de abril de 1984 o después debe dejar de poner a prueba la llamada "Renta Legal Inicial Regulada" (renta de mercado) que los caseros cobran cuando hay descontrol del apartamento. Use el formulario de DHCR *Form RA-89*. Indique claramente que su queja es tanto una queja de "Apelación a la Renta Justa de Mercado" como de "exceso de cobro." La corte de vivienda no puede tomar decisión sobre una Apelación de Renta de Mercado. Apartamentos vacíos que antes estaban controlados en edificios que se han convertido en cooperativas o condominios no se vuelven estabilizados y no satisfacen los requisitos para la Apelación de la Renta Justa de Mercado.

Exención de Incrementos para las Personas de Mayor Edad: Las personas de 62 años o más que viven en apartamentos estabilizados y cuyos ingresos familiares anuales son de $24,000 o menos, y que pagan (o enfrentan un incremento de alquiler que los forzaría a pagar) una renta de un tercio o más de sus ingresos, pueden tener derecho al programa de Exención de Incrementos para las Personas de Mayor Edad (SCRIE, por sus siglas en inglés), si aplican al Departamento de la Ciudad de Nueva York Sobre las Personas de Mayor Edad, cuya dirección es: SCRIE Unit, 2 Lafayette Street, NY, NY 10007. Si el alquiler actual de un inquilino que tiene derecho a este programa sobrepasa un tercio del ingreso, no se lo puede reducir, pero es posible evitar incrementos de alquiler en el futuro. Obtenga el formulario de SCRIE por llamar al (212) 442-1000.

Unidades de Desván (Lofts) Los incrementos legales sobre la renta base para las unidades de desván son de un 4 por ciento por un contrato de un año y un 7 por ciento por un contrato de dos años. No se permiten incrementos para las unidades de desván vacías.

Hoteles y Apartamentos de una Sola Habitación La pauta es un 3.5% para hoteles de clase A, casas de huéspedes, hoteles de clase B (de 30 habitaciones o más), hoteles de habitaciones solas (SROs) y casas de habitaciones (clase B, de 6 a 29 cuartos), por encima de la renta legal que se pagó el 30 de septiembre de 2003. No se permite ningún incremento de vacancia. No se puede cobrar el incremento estipulado por la pauta a menos que un 75% o más de las unidades en el edificio sean ocupados por inquilinos permanentes de renta estabilizada o controlada pagando las rentas reguladas legales. Además, no se permite ningún aumento cuando el dueño deje de dar al nuevo inquilino de aquella unidad una copia de los Derechos y Obligaciones de los Dueños e Inquilinos de Hoteles, según la Sección 2522.5 del Código de Estabilización de Rentas.

La Desregulación de Rentas Altas y Altos Ingresos (1) Los apartamentos que legalmente se alquilan por $2,000 o más por mes y que se desocuparon entre el 7 de julio de 1993 y el 1ro. de octubre de 1993, o en o desde del 1ro de abril de 1994 son sujetos a la desregulación. (2) La misma desregulación se les aplica, para el mismo período establecido en (1), a los apartamentos que legalmente pagan $2,000 o más mensualmente aunque no se desocupen, si el ingreso total de la familia es más de $175,000 en los dos años consecutivos previos. Para cumplir los requisitos de esta segunda forma de desregulación, el casero tiene que enviarle un formulario de certificación de ingreso al inquilino entre el 1ro de enero y el 1ro de mayo, así como someter dicho formulario al DHCR y conseguir su aprobación.

Para pautas previas, llame a la RGB al 212-385-2934 o busque el sitio www.housingnyc.com.

Tipo de Contrato	Renta Legal Actual		Contrato de 1 Año	Contrato de 2 Años
Renovación del Contrato	Todas		4.5%	7.5%
Contratos para Apartamentos Vacíos	Más de $500	Incrementos por desocupacíon cobrados en los últimos 8 años	17%	20%
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, más el 17%	0.6% por el número de años desde el último incremento por estar vacío, más el 20%
	Menos de $300	Incrementos por desocupacíon cobrados en los últimos 8 años	17% + $100	20% + $100
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, + 17% + $100	0.6% por el número de años desde el último incremento por estar vacío, + 20% + $100
	Renta de $300 a $500	Incrementos por desocupacíon cobrados en los últimos 8 años	17% o $100, lo que sea mayor	20% o $100, lo que sea mayor
		Incrementos por desocupacíon no cobrados en los últimos 8 años	0.6% por el número de años desde el último incremento por estar vacío, mas 17%, o $100, lo que sea mayor	0.6% por el número de años desde el último incremento por estar vacío, mas 20%, o $100, lo que sea mayor

Lista

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"Desgraciadamente, no siempre es justo; algunas veces el inquilino tiene razón."

"Está sucediendo en todas partes," afirma el abogado de inquilinos James Fishman. "Este es realmente un gran problema." Con unos 365,000 casos residenciales presentados ante la corte de vivienda cada año, un 90% por intentos de desalojo a causa de falta de pago, el resto desalojos por violación del contrato de arrendamiento por "retención" o "acciones HP," en las cuales el inquilino demanda al casero para forzarlo a hacer reparaciones, muchos nombres de inquilinos están formando las listas de estas compañías.

"Cuando la gente se da cuenta de esto es cuando tratan de encontrar [un apartamento] y no pueden," dice Fishman.

Él llama a esta práctica "perniciosa." Los registros duran siete años, y a menudo no se actualizan. La mayoría de los casos entre los caseros y los inquilinos son desestimados o transados extrajudicialmente, pero Fishman dice que continúan en las listas de los registros como "caso presentado." A principios de este año, un agente le dijo a uno de sus clientes que no se molestara tratando de encontrar un apartamento, ya que su expediente mostraba tres casos por falta de pago desde 1996. En otro caso, el testamentario de un inquilino fue anotado en las listas porque había sido nombrado como demandado en una demanda contra las propiedades del fallecido. Los inquilinos nombrados en desalojos por "tenencia del propietario" también ingresan a las listas, como lo hacen los inquilinos cuando el intento de desalojo fue simple hostigamiento.

Las agencias de vivienda del gobierno informan a menudo a los inquilinos que la mejor manera de hacer que se hagan reparaciones es con huelga de rentas—pero "ese consejo lo coloca a usted en la lista negra," afirma Fishman. Y si presenta una acción de HP, "entonces realmente está causando problemas." Ya que las compañías de investigación de inquilinos y las bases de datos son nacionales, agrega, la lista puede seguir a los inquilinos si se mudan fuera de la ciudad.

Él se encuentra planeando una acción de clase federal contra First American Registry, sobre la base de que, al no actualizar correctamente sus registros más allá de "caso presentado," están infringiendo los requisitos de la ley federal de informes de crédito la cual establece que los informes tienen que ser "completos y precisos." La ley de Nueva York clasifica la renta de un departamento como una transacción de crédito, agrega.

De acuerdo a los registros obtenidos por Fishman con una solicitud bajo la ley de libertad de información, el estado gana cerca de $1 millón al año vendiendo registros de la corte de vivienda en formato electrónico a las compañías investigadoras de inquilinos.

El uso de registros de la corte para investigar a los inquilinos puede ser un poco menos común en los condados fuera de Manhattan, pero sucede. "Nosotros no usamos nada de eso," afirma un agente de bienes raíces de Astoria, pero otro agente de Queens dice que "nosotros los usamos todo el tiempo. Cuando usted hace una verificación de crédito, verifica automáticamente los registros de casos entre caseros e inquilinos para ver si hay casos por falta de pago." "Los informes de crédito muestran si [los inquilinos] han comparecido ante la corte o no," dice un agente en el área de Fort Greene-Clinton Hill de Brooklyn. Cómo afectará la decisión del casero, agrega, "depende de cuál fue la causa por la cual comparecieron ante la corte." No hay mucho que puedan hacer los inquilinos en torno a esto, dice Fishman. En un caso en que participó donde el casero se rehusó a renovar el contrato de arrendamiento porque el apartamento no era la residencia primaria del inquilino, el inquilino convino en mudarse a cambio de que el caso de desalojo por retención fuera presentado contra el nombre de "John Doe," manteniendo así su nombre fuera de los registros de la corte.

Finalmente, Fishman cree que las listas serían más justas si sólo registraran casos donde en realidad se ordenara un desalojo. Pero "una vez que los caseros han enviado un aviso de tres días, no hay manera de detener el proceso," dice. "No he sabido de un caso en que el inquilino con el informe obtuviera el apartamento."

No se quede helado: ¡ORGANIZESE!

La ley requiere que su casero proporciona calefacción y agua caliente a las temperaturas siguientes, desde el 1ro de octubre hasta el 31 de mayo:

Desde las 6 a.m. hasta las 10 p.m.: Si la temperatura afuera es de menos de 55 grados, la temperatura adentro debe ser al menos de 68 grados en todo el apartamento.

Desde las 10 p.m. hasta las 6 a.m.: Si la temperatura afuera es de menos de 40 grados, la temperatura adentro debe ser al menos de 55 grados en todo el apartamento.

Se tiene que proporcionar agua caliente a un mínimo de 120 grados en el grifo las 24 horas del día, todo el año.

Si su casero no mantiene estas temperaturas mínimas, usted debe:

- Comenzar una "Acción HP" (HP Action) en la Corte de Vivienda. Pida una inspección por orden de la corte y una Orden de Corrección (Order to Correct)
- Llamar al Buro Central de Quejas (Central Control Bureau) de la ciudad de Nueva York al 311 inmediatamente, para documentar la violación del casero. Llame repetidamente. Se supone que un inspector vendrá eventualmente, aunque a veces no lo haga.
- Exhortar a los otros inquilinos en el edificio a llamar al Central Complaint. Todos deben llamar repetidamente, al menos una vez al día, todos los días en que tengan problemas con la calefacción.
- Comprar un buen termómetro para afuera y adentro, para documentar las fechas exactas, las horas, y las temperaturas, tanto afuera como adentro, mientras tenga problemas con la calefacción. Esta documentación es su evidencia
- Llamar a la División de Vivienda y Renovación Comunal del Estado de Nueva York (DHCR, por sus siglas en ingles) al (718) 739-6400, y pedir que le envíen el formulario de Queja de Calefacción y Agua Caliente. Llene el formulario y consigue la participación de todos los inquilinos en su edificio que pueden firmarlo. Reclame una orden para restaurar la calefacción y el agua caliente, y que se reduzcan y congelen (¡disculpe lo de "congelen"!) todas las rentas.
- Necesitarán una fuerte asociación de inquilinos para obligar al casero a proporcionar calefacción y agua caliente. Escriban y llamen al casero para demandar reparaciones y aceite. Prepárense para una huelga de renta (sobre todo con asesoría legal)—de relámpago si es necesario.

Las leyes sobre la calefacción establecen también:

- Que el Departamento de Reparaciones de Emergencia de la ciudad le proporcione la calefacción si el casero no lo hace. (No se siente en un bloque de hielo—otra vez, ¡disculpe!—mientras espere que lo haga.)
- Una multa de $250 al casero por cada día que se produzca la violación. (Pero la verdad es que la Corte de Vivienda raras veces impone las multas, y menos aun las cobra).
- Una multa de $1,000 al casero si algún aparato de control automático se instala en la caldera para mantener la temperatura por debajo del mínimo legal.
- Si el tanque de combustible de la caldera está vacío, los inquilinos tienen el derecho de comprar su propio combustible después de haber pasado 24 horas sin calefacción y también sin obtener ninguna respuesta del casero. Esto no se aplica si la caldera está rota y necesita tanto reparación como combustible.

¡Cuidado! ¡proteja su dinero! Si los inquilinos deciden comprar el combustible, hay que seguir los procedimientos legales cuidadosamente. Consiga la ayuda y el consejo de un organizador de inquilinos. La existencia de leyes de calefacción y agua caliente vigentes no garantiza que el gobierno las implemente. No se quede helado por esperar que la ciudad o el estado actúe. ¡Organízese!

Exención de aumento de rentas para adultos mayores (SCRIE)

¿Tiene usted 62 años de edad o más? ¿Vive en un apartamento u hotel de renta estabilizada o controlada (o en una urbanización Mitchell-Lama o una similar)? ¿Paga usted 1/3 de sus ingresos o más de renta? ¿Los ingresos totales en su hogar familiar suman $24,000 o menos? Solicite una exención de aumento de renta para adultos mayores y congele su renta.

SCRIE exenta a los inquilinos en apartamentos y hoteles de renta controlada o estabilizada, o del programa Mitchell-Lama, de ciertos aumentos de renta. (Si usted vive en una Mitchell-Lama, vea al administrador del edificio. Las urbanizaciones como Penn South también están cubiertas.) SCRIE cubre los aumentos por renovación de contrato de arrendamiento, combustible, gastos excesivos de los caseros, mejoras importantes de capital (MCIs) y aumentos de renta base máxima (Maximum Base Rent, MBR). La renta debe ser al menos 1/3 de sus ingresos mensuales netos. El jefe de familia debe tener 62 años de edad o más. No hay límite en bienes. Los ingresos anuales de la familia debe ser de $24,000 o menos (deduzca los impuestos sobre el ingreso, impuestos de nómina y pagos de manutención ordenados por la corte para calcular la elegibilidad).

Cómo solicitarla

Usted puede obtener la solicitud para SCRIE del Departamento de la Ciudad de Nueva York para los Ancianos llamando al 311 (pregunte por el Departamento para los Ancianos, o pida una solicitud de SCRIE); visitando la agencia, escribiéndole o visitando un centro local para ancianos. También puede obtener una copia de la solicitud en el sitio Web de la agencia (http://www.nyc.gov/html/dfta/html/16benefits.html), así como usando su "Verificación Rápida de Beneficios" para ver a qué beneficios usted califica, incluyendo SCRIE.

Departamento de la Ciudad de Nueva York para los Ancianos (NYC Department for the Aging)
SCRIE
2 Lafayette Street, 6th Floor
New York, NY 10007

Nota sobre los ingresos: El límite de ingresos de $24,000 acaba de ser aprobado por el Concejo de la Ciudad y pronto será firmado por el alcalde. Haga su solicitud ahora; si sus ingresos son mayores de $20,000 (el antiguo límite) pero de $24,000 o menos, pida a SCRIE que la guarde hasta que la ley sea firmada por el alcalde. Cualquier problema que tenga con esto, o con otras partes de la solicitud, llame a Charlie o Jenny en Met Council 212-979-6238 (por favor, sólo miembros).

Intrusive Security Irks Manhattan Tenants

In the aftermath of the 9/11 attacks, New York City landlords have been proposing increasingly intrusive security systems, including fingerprinting tenants, to control access to their buildings.

In early October, Metropolitan Life, owner of the Stuyvesant Town and Peter Cooper Village complexes in Manhattan, announced plans to install electronic locks at the entrances to the buildings. Instead of regular keys, tenants would need a keycard with their photograph on it to get into their building. The system would go into effect next year.

Tenants are not happy about it. "It's a nightmare of bureaucratic authoritarianism," says Jack Lester, lawyer for the ST/PCV Tenants Association. "We're going to fight it." The Tenants Association is urging residents to resist the keycard system and is considering challenging it in court, he says. In October, scores of tenants packed a meeting to protest it.

Among the objections Lester cites are that electronic cards don't always work; people don't want to come home late at night and get the equivalent of "Swipe Again at This Turnstile." The cards can be used to track residents' comings and goings, and it would be difficult or impossible for tenants to get duplicates to give to friends and family members. Tenants could lend their keycards, but security would check surveillance cameras to see that the authorized person was using them.

A manager at the complex told the Stuyvesant Town/Peter Cooper Village *Reporter* that the plan was intended to enhance security. Assemblymember Steven Sanders (D-Manhattan) responded that he thought Met Life's real motive was that it is obsessed with smoking out unauthorized subtenants. The two complexes recently moved from a waiting-list system to deregulating vacant apartments.

"The electronic keys, which we do have, do track the comings and goings of all, and it has been used against tenants in cases where they were not using the apartment as primary residence or illegally subletting," says Susan Johann, a tenant at Manhattan Plaza on West 42nd Street.

Landlords at Manhattan Plaza, a two-building complex of federally subsidized housing for performing artists, proposed a "voluntary" system of fingerprint-operated locks in October 2002. Tenants 14 and older wouldn't have to be fingerprinted, but if they refused, they would be unable to get into the buildings from anywhere but the main entrance, including the parking garage.

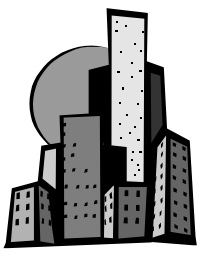
"There would be two classes of tenants," said Johann, a spokesperson for the Manhattan Plaza Tenant Coalition Opposed to Fingerprinting. "Those who insist on safeguarding their privacy would lose their rights to equal access to their own homes." Management touted the plan as a deterrent to terrorism, she said.

In a letter to the city Department of Housing Preservation and Development, Donna Lieberman, head of the New York Civil Liberties Union, criticized the fingerprinting plan as a "vague, ill-conceived scheme that would undermine privacy without any demonstrable benefit to security."

Tenants voted against the plan in November 2002 by a 70% margin. However, the vote is not binding on management, so the plan is not dead.

"All in all, Big Brother is close at hand," says Johann.

—Steven Wishnia



Senior Citizen Rent Increase Exemption (SCRIE)

Are you 62 years or older? Do you live in a rent-stabilized or rent-controlled apartment or hotel (or in Mitchell-Lama or similar development)? Do you pay 1/3 of your income or more for rent? Is your household income $24,000 or less? Apply for the Senior Citizen Rent Increase Exemption and get your rent frozen. SCRIE exempts rent-controlled/stabilized, Mitchell-Lama, and hotel tenants from certain rent increases. (If you live in a Mitchell-Lama, see building management. Developments such as Penn South are also covered.) SCRIE covers increases for renewal leases, fuel, landlord hardship, major capital improvements, and Maximum Base Rent (MBR) increases. Rent must be at least 1/3 of your net monthly income. The head of household must be 62 or older. There is no limit on assets. The annual household income must be $24,000 or less (deduct income taxes, payroll taxes, and court-ordered support payments to estimate eligibility).

How to apply

You can get the application for SCRIE from the NYC Department for the Aging by calling 311 (ask for the Department for the Aging, or a SCRIE application) or by visiting the agency, writing them, or visiting a local senior center. You can also get a copy of the application off the agency's Website (http://www.nyc.gov/html/dfta/html/16benefits.html and scroll down to the SCRIE section.), as well as use their "Benefit Quick Check" to see what benefits, including SCRIE, you qualify for.

NYC Department for the Aging
SCRIE
2 Lafayette Street, 6th Floor
New York, NY 10007

Income Note: The income limit of $24,000 was just approved by the City Council and will soon be signed by the mayor. Do apply now, but if your income is over $20,000 (the old limit) but $24,000 or less, ask SCRIE to hold your application until the law is signed by the mayor. Any problems with this, or other parts of the application, call Charlie or Jenny at Met Council (212)979-6238 (members only, please).

Don't Freeze—Organize!

The law requires your landlord provide heat and hot water at the following levels from October 1 through May 31:

From 6 am to 10 pm: If the outside temperature falls below 55 degrees, the inside temperature must be at least 68 degrees everywhere in your apartment.

From 10 pm to 6 am: If the outside temperature falls below 40 degrees, the inside temperature must be at least 55 degrees everywhere in your apartment.

Hot water at a minimum 120 degrees at the tap must be provided 24 hours a day, year round.

If your landlord does not maintain those minimum temperatures, you should:

- Start an "HP action" in Housing Court. Ask for a court-ordered inspection and an Order to Correct.
- Call the New York City Central Complaints Bureau at 311 immediately to record the landlord's violation. Call repeatedly. An inspector should eventually come, although sometimes they don't.
- Get other tenants in your building to call Central Complaint. Everybody should call repeatedly, at least once every day the condition is not corrected.
- Buy a good indoor/outdoor thermometer and keep a chart of the exact dates, times, and temperature readings, inside and out, so long as the condition is not corrected. The chart is your evidence.
- Call the New York State Division of Housing and Community Renewal at (718) 739-6400 and ask them to send you their Heat and Hot Water complaint form. Get as many other apartments as possible in your building to sign on, demanding an order restoring heat and hot water, and a reduction and freeze (pardon the expression!) in all the rents.

You'll need a strong tenant association to force the landlord to provide heat and hot water. Write and call the landlord and demand repairs or fuel.

Prepare to go on rent strike — but get legal advice first.

The heat laws also provide for:

- The city's Emergency Repair Department to supply your heat if the landlord does not. (Try waiting for this one!)
- A $250 a day fine to the landlord for every day of violation. (But the Housing Court rarely imposes these fines, let alone collects them.)
- A $1,000 fine to the landlord if an automatic control device is put on the boiler to keep the temperature below the lawful minimum.

If your boiler's fuel tank is empty, tenants have the right to buy their own fuel after 24 hours of no heat and no response from the landlord. But this provision does not apply if the boiler is broken and needs both repairs and fuel.

Caution! Protect your money! If you decide to buy fuel, you must follow special lawful procedures very carefully. You should get help and advice from a tenant organizer.

Because the heat and hot water laws are in the law books does not mean they are enforced by government. Don't freeze to death waiting for the city or state to act. Organize!

City Raises Income Limit on SCRIE Program

By Jenny Laurie

On Oct. 24, the City Council voted to increase the income limit for the Senior Citizen Rent Increase Exemption program to $24,000. The bill is awaiting for Mayor Bloomberg's signature, which advocates expect to get this month. Once signed, the new limit will go into effect retroactive to Sept. 1.

The program, which covers tenants 62 or older in rent-regulated or Mitchell-Lama apartments, will be expanded to include approximately 2,500 new households after this change. Tenants who are covered by SCRIE are exempt from rent increases once they reach the income and age requirements, and are paying a minimum of 1/3 of their income for rent. Currently there are 44,000 participants, which is about 40% of those eligible. Landlords recoup the lost rent in a dollar-for-dollar exemption on their property taxes.

The Council's Aging Committee held a hearing in mid-October on the proposal to raise the income level from the previous limit of $20,000. Testifying for Manhattan Borough President C. Virginia Fields was her senior advocate Karen Guccione, who said that Fields, while applauding the change, felt that the city and state should have gone a lot further to help senior tenants and homeowners who are living on fixed incomes. Fields advocates raising the income limit for SCRIE to at least $30,000 and including a cost-of-living adjustment.

The state legislature passed the income-limit change last summer (state law requires that lawmakers in Albany give the city permission before it can make changes to the SCRIE program, or to a similar program for senior homeowners). Senior advocates from the city had been lobbying for the change for years.

Raquel Romanick, legal advocate at the Council of Senior Centers and Services of New York City, an umbrella group of senior centers and senior-service organizations, complained that it was very hard to get support for changes in SCRIE during times when the state and city budgets are very strained. "Because of the budget crisis, no one is listening." She and other advocates from senior programs who testified at the October hearing point to the fact that the program is extremely cost-effective. For a few hundred dollars a year, the city keeps seniors in affordable apartments, while if they lost those apartments, it would cost the city and state tens of thousands of dollars a year to house them in homeless facilities or homes for the aged.

Romanick's organization had also been lobbying to lower the portion of income paid for rent closer to 25%. She pointed to the fact that while the federal standard for rent is now 30% of income, many SCRIE participants pay more than 1/3 of theirs, as the program does not cap rent at 1/3 of income, but simply freezes the rent when the tenant applies.

Romanick agrees that the current increase in the income limit will be a great help to seniors, but argues that the program still needs a higher income level and an income-for-rent cap. "$24,000 is not high enough to capture all those seniors who need assistance," she says. "It is a great problem when these tenants have to choose between buying food, medicine and paying the rent."

One tenant who testified at the hearing, Walter Lasky of Warbasse Houses, a Mitchell-Lama near Coney Island in Brooklyn, said that after a lifetime of working and paying taxes,

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Complaint Numbers

To reach the Department of Housing, Preservation and Development's Central Complaints hotline, call 311. This number replaces (212) 824-4328.

Also call 311 to reach the Department of Buildings and other city agencies.

NYC Rent Guidelines Board Adjustments (Order No. 35)

for Rent Stabilized Leases commencing Oct. 1, 2003 through Sept. 30, 2004, including the Pataki vacancy bonuses adopted by the State Legislature on June 19, 1997

Lease Type	Current Legal Rent		One-year Lease	Two-year Lease
Renewal Leases	All		4.5%	7.5%
Vacancy leases	More than $500	Vacancy allowance charged within last 8 years	17%	20%
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%	0.6% times number of years since last vacancy allowance, plus 20%
	Less than $300	Vacancy allowance charged within last 8 years	17% plus $100	20% plus $100
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allow–ance, plus 17% plus $100	0.6% times number of years since last vacancy allow–ance, plus 20% plus $100
	Rent $300 to $500	Vacancy allowance charged within last 8 years	17% *or* $100, whichever is greater	20% *or* $100, whichever is greater
		No vacancy allowance charged within last 8 years	0.6% times number of years since last vacancy allowance, plus 17%, *or* $100, whichever is greater	0.6% times number of years since last vacancy allowance, plus 20%, *or* $100, whichever is greater

This rent guidelines table shows the maximum increases landlords in New York City can legally charge for rent stabilized apartments on all leases commencing in the twelve-month period beginning October 1, 2003. Increases in rent based on the 1- or 2-year renewal guidelines can be charged only once during the period covered by the guidelines, and must be applied to the legal stabilized rent on September 30, 2003. The above guidelines and vacancy bonuses do not apply to an apartment which was rent controlled on that date. There is no low rent supplement, a.k.a. poor tax, allowed.

Sublease Allowance

Landlords can charge a 10 percent increase during the term of a sublease that commences during this guideline period.

Vacancy Leases

In June 1997, Governor George Pataki, as a part of his efforts to destroy rent regulation, forced changes that gave landlords large vacancy bonuses. Provisions of his Rent Regulation Reform Act of 1997 allow the rents of apartments to rise by a statutory percentage: 20 percent for a 2-year lease, and 20 percent minus the difference between the 1- and 2-year renewal guidelines for 1-year leases. The law also allows additional vacancy increases for apartments which have had no vacancy allowance in eight or more years.

Rent Overcharges

Tenants should be aware that many landlords will exploit the complexities of these guidelines and bonuses, and the tenant's unfamiliarity with the apartment's rent history, to charge an illegal rent. The tenant can choose between filing an overcharge complaint with the Division of Housing and Community Renewal or challenging the rent in Housing Court to get a determination of the legal rent.

A prospective tenant who expresses knowledge of their rights will probably not be given a lease to sign. Landlords avoid renting to tenants who may be troublesome. Overcharging is very common. Every tenant should challenge possible overcharge. With DHCR, obtain and fill out *Form RA-89* to determine the correct rent from official records. Call DHCR at (718) 739-6400 to obtain the form or go to: www.dhcr.state.ny.us

Fair Market Rent Appeal

Another type of overcharge frequently occurs at the time that a previously rent controlled apartment becomes vacant and is re-rented as a stabilized unit. The Rent Guidelines Board annually sets what they call the "Special Fair Market Rent Guideline" that is used by DHCR to lower unfair market rents for tenants who file the Fair Market Rent Appeal (FMRA). Under Order 35, it is HUD Fair Market Rent or 50% above the maximum base rent., whichever is higher. No stabilized tenant of an apartment that was decontrolled on or after April 1, 1984 should fail to challenge the so-called Initial Legal Regulated Rent (market rent) that landlords charge upon decontrol. Use DHCR *Form RA-89*. Indicate clearly that your complaint is both a complaint of "overcharge" and "Fair Market Rent Appeal." The Housing Court cannot determine a Fair Market Rent Appeal. Formerly controlled vacant apartments in buildings converted to co-ops or condos do not become stabilized and are not eligible for a Fair Market Rent Appeal.

Senior Citizen Rent Increase Exemption

Rent stabilized seniors, 62 years or older, whose disposable annual household income is $24,000 or less and who pay (or face a rent increase that would cause them to pay) one-third or more of that income in rent may be eligible for a Senior Citizen Rent Increase Exemption (SCRIE) if they apply to the NYC Dept of the Aging, SCRIE Unit at 2 Lafayette Street, NY, NY 10007. If an otherwise eligible tenant's current rent level is already above one-third of income, it cannot be rolled back, but future rent increases may be avoided. Obtain the SCRIE application form by calling (212) 442-1000.

Loft Units

Legalized loft unit increases above the base rent are 4 percent for a one-year lease and 7 percent for two years. No vacancy allowance is permitted on vacant lofts.

Hotels and SROs

The guideline is 3.5% for Class A apartment hotels, lodging houses, Class B hotels (30 rooms or more), single room occupancy (SROs) hotels, and rooming houses (Class B, 6-29 rooms), above the legal rent paid on September 30, 2003. No vacancy allowance is permitted. The guideline is not collectible unless 75% or more of the units in the building are occupied by permanent rent stabilized or controlled tenants paying legal regulated rents. Further, no increase is allowed when the owner has failed to provide to the new occupant of that unit a copy of the Rights and Duties of Hotel Owners and Tenants, pursuant to Section 2522.5 of the Rent Stabilization Code.

High-rent, High-income Deregulation

(1) Apartments legally renting for $2,000 or more a month that became vacant from July 7, 1993 through October 1, 1993, or on April 1, 1994 and thereafter are subject to deregulation. (2) The same deregulation applies in the time periods set forth in (1) above to apartments legally renting for $2,000 or more a month without their becoming vacant if the total household income exceeds $175,000 in each of the prior two consecutive years. To be eligible for this second form of deregulation, the landlord must send an income certification form to the tenant between January 1 and May 1 and file it with and get the approval of DHCR.

For previous guidelines call the RGB at 212-385-2934 or go to www.housingnyc.com.

A Guide to the New Law

Preserving Preferential Rents

By John Gorman

In the 2003 bill extending the state's rent regulations, the Legislature inserted an insidious provision that is a sharp departure from the state housing agency's established policies with regard to preferential rents—when a landlord agrees to rent an apartment for less than what they could legally charge under rent stabilization.

The new measure relieves owners of the obligation to continue a tenant's preferential rent when the lease is renewed. The number of tenants who will be affected is not well defined, but an unconfirmed report has it that in May, the staff of the city Rent Guidelines Board stated that about 10% of stabilized units have preferential rents. In any event, many tenants will likely be priced out of their homes.

In late October, the state Division of Housing and Community Renewal offered some clarification about when an owner may terminate a preferential rent and jack it up to the legal regulated rent (LRR), the amount permitted under rent stabilization. Fact Sheet #40 (available on DHCR's Website) states that both the LRR and the preferential rent must "have been… specifically provided for in the lease agreement/lease renewals, subject to DHCR's review."

Often a vacancy lease will state only the preferential rent as the amount to be charged and collected, but upon registering the unit with the DHCR, an owner will report an inflated LRR along with the preferential rent. Upon receiving the registration form, most tenants would assume they were fine, and would not consider challenging the inflated LRR—because according to the former rule, the LRR could not serve as the basis for future renewal increases.

Fact Sheet #40 is merely the vehicle by which the DHCR expresses a policy that has not yet been tested by either a PAR (petition for administrative review) or Article 78 challenge. It does suggest that someone somewhere recognized the gross unfairness of the new law. However, the Fact Sheet falls far short of adequately protecting tenants' procedural rights.

I have been advised that the DHCR will allow a tenant to challenge a LRR by way of an overcharge complaint, even if there is no actual overcharge, but the four-year rule will apply. This means that the DHCR will only look back four years from the filing of the overcharge complaint. If both the LRR and the preferential rent are entered on the lease-renewal forms and duly registered on the Annual Apartment Registration form (RR-2A) with appropriate increases, an owner will be free to terminate the preferential rent when the lease is renewed. If a vacancy lease executed within four years of the filing of an overcharge complaint sets forth both the LRR and the preferential rent, a tenant may surely challenge the lawfulness of both.

Unfortunately, the Annual Apartment Registration (RR-2A) and the Initial Apartment Registration forms are highly misleading, and effectively discourage tenants from considering challenges to outsized LRRs. In the information rider to the RR-2A, tenants are advised that if they are paying more than the LRR, they may file an overcharge complaint. Nothing is mentioned as to one's ability or right to challenge an inflated LRR if they are paying a preferential rent. In fact, the information rider may constitute a denial of due process, as it effectively denies a tenant the right to challenge an impermissible LRR. Tenants and advocates may want to consider a challenge to the constitutionality of the procedural correctness of the DHCR's limitation on challenges to an inflated LRR.

A recommendation to file a complaint with the DHCR is always given with great trepidation, especially when the issue may be addressed in court. However, tenants whose landlords are offering renewal leases with the LRR instead of the preferential rent ought to consider filing an overcharge complaint with the DHCR under two circumstances. The first is if they signed a lease on a vacant apartment within the past four years and have since renewed it, and either the vacancy lease or one of the renewal forms fails to provide for both the LRR and preferential rent. The second is if a renewal lease form issued within the past four years does not state both the LRR and the preferential rent.

Tenant advocates have assumed if a tenant negotiates a preferential rent and takes the precaution of inserting a provision in a lease or via a court stipulation assuring that all future rent increases will be based on the preferential rent, then that contractual commitment will be honored in perpetuity. One ought not trust the DHCR to share the same assumption. In July, the DHCR issued an opinion letter in which a staff attorney allowed that the new preferential-rent rule trumps any prior contractual commitment for an enduring preferential rent. It does not appear that the clarification in Fact Sheet #40 alters the drift of that opinion letter.

Obviously, if a dispute arises as to a contractual right to an enduring preferential rent, that dispute ought to be heard in any forum other than the DHCR. The agency reports that at this stage no PAR decisions have been issued on the preferential-rent question but district rent administrators have made rulings apparently consistent with both the opinion letter mentioned above and Fact Sheet #40.

John Gorman is a tenant attorney in Manhattan.

Mitchell-Lama

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breathing space; it "costs" the owner millions of dollars in foregone market rents.

- Perhaps most important, all these provisions can be waived—if the landlord and tenants reach an agreement, known as a "comprehensive conversion settlement," the goal of which is to preserve affordable housing.

The current law only requires the owner to notify the tenants of his or her plans. The landlord can easily ignore any tenant request, especially in the area of affordable rents. Virtually all of them do so; at the most, M-L tenants are offered "deals" that prove to be financially prohibitive, such as the steep annual increases "negotiated" at the Waterside complex.

That seemed to be the scenario Gluck had in mind on Oct. 16, when he told about 300 IPN residents that he would negotiate phased-in rent increases with tenants, and claimed that most tenants would be eligible for federal housing vouchers. But when pressed by tenants for specific answers, he refused to estimate how much rents would go up, and would not guarantee that tenants would be eligible for the federal subsidies.

Prospects

Given Intro 523's 33 sponsors, it is highly likely that it will pass, despite opposition from big real-estate interests and the Bloomberg administration.

At the hearings following the press conference Oct. 29, an HPD representative spoke against the bill. Nevertheless, Bloomberg must be nervous, because he immediately announced his own bill, to be introduced in the state legislature, to extend rent-stabilization protections to all Mitchell-Lama rental buildings, regardless of when they were occupied. (At present, only those M-L complexes occupied prior to 1974 fall under rent stabilization.)

Tenant groups in the city and state have long fought for precisely this type of legislation. Historically, Assembly Democrats introduce such bills, only to have them defeated by the Republican-controlled Senate. Bloomberg's bill is likely to meet the same fate, notwithstanding his own Republican affiliation.

"We have not been supportive of efforts to expand regulation in the city," a spokesperson for Senate Majority Leader Joseph Bruno told the *New York Times*, in a slight understatement.

At the press conference, Speaker Miller was asked about the mayor's bill. Laughing, he said it was a good step—he supports it—but wondered aloud why Bloomberg chose to announce it precisely at this time. His question was an obvious implication that the mayor was seeking to sidetrack Miller's bill.

Future Developments

Because it is a Council bill, Intro 523 will not apply to M-L buildings administered by the state, that is, by the Division of Housing and Community Renewal.

Still, the bill is a watershed. If it passes, it will signal the growing power of M-L tenants, which may well have reverberations in Albany. Indeed, state M-L tenants and their supporters in city M-L buildings (and elsewhere) can use the bill as a tool in their lobbying efforts, as a model for rectifying the power imbalance between landlords and tenants.

Nathan Weber is a tenant in Independence Plaza North.

Election Update

By a margin of more than 2-1, city voters soundly rejected Mayor Michael Bloomberg's effort to eliminate party primaries by amending the city charter. The billionaire spent at least $2 million and possibly as much as $4 million of his own money on the campaign, including a late advertising blitz. Most analysts said the proposal would depress minority turnout and benefit wealthy Republicans, minimizing the role of issues and ideology in favor of resources and celebrity.

The ballot initiative, predetermined by Bloomberg's hand-picked charter-revision commission, was political payback for the support he received from the nebulous New Alliance Party in 2001, when it delivered the Independence Party line to him, providing the thin margin of victory over Democratic-Working Families Party candidate Mark Green.

In the race to fill the seat of assassinated City Councilmember James Davis, the WFP ran former Legal Aid Society attorney Letitia James against Democratic candidate Geoffrey Davis, the late Councilmember's brother. Met Council endorsed Letitia James, who won more than 75% of the vote in the Fort Greene district. However, the WFP's judicial candidates in Brooklyn lost to the Democratic machine slate.

In Manhattan, Met Council endorsed judicial candidate Ellen Gesmer, who won a seat on the Civil Court.

–Kenny Schaeffer

Penn South Elections Send a Hopeful Message

In what seemed like a rerun of its 2001 struggle over remaining a limited-equity co-op, Penn South, the 10-building, moderate-income cooperative in Chelsea, re-elected four incumbents on its board of directors Oct. 26.

The eight candidates running for the five open seats on the 15-member board included five endorsed by the Assembly of Concerned Cooperators, a group of cooperators dedicated to maintaining Penn South as an affordable, not-for-profit co-op.

They were opposed by two candidates dedicated to "reconstitution," or privatization, which would mean that Penn South would ultimately become housing only for those who can afford the city's very high market rates.

The two favoring reconstitution wrote leaflets promising that privatization and reverse mortgages would bring great wealth to cooperators. The leaflets did not mention that doing that would make Penn South, under its contract with the city, liable to repay much of the tax abatement it receives by remaining not-for-profit and providing moderate-income housing.

In one of the largest turnouts in memory, Penn South residents voted almost 2 to 1 for the ACC slate, incumbents Morris Benjamin, Marc Boddewyn, Jeanne Brennan, and Irma Lobel, and new board member Robert Sikorski. The margin was similar to the 2001 referendum, in which cooperators chose to keep Penn South affordable and limited equity for current cooperators and for those hopefuls on the waiting list.

—Gloria Sukenick

SCRIE

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he and others were being "thrown on the scrap heap" because, due to age or disability, they could no longer work. The 78-year-old veteran complained that Warbasse residents were facing a 13.5% increase in carrying charges, and a possible additional 18.5% increase in the future, which he and others like him would be unable to pay without the expansion of the SCRIE program.

Julie Hyman of the Center for the Independence of the Disabled of New York sharply criticized the Bloomberg administration for not "expanding the SCRIE program to include disabled tenants in the city in a program similar to the one for seniors." She pointed to the fact that the state legislature had been all set to create such a program in the late '90s when the Giuliani administration nixed the deal. Disabled tenants, she said, live in exactly the same situation as seniors covered by SCRIE: They are living on fixed, very low incomes from Social Security, unable to work, and unable to meet their rising housing costs. She pointed out that while the city did not want the extra tax expenditure such a program would cost, it was vastly more expensive to rehouse evicted disabled tenants, because of the laws requiring that their new homes be medically appropriate.

Other advocates spoke from United Neighborhood Houses, JPAC (the political arm of Jewish Association for Services to the Aged), and other housing organizations. Many asked that the program be expanded to cover the disabled, that the income limit be raised again soon with a cost-of-living adjustment, and that the income-for-rent level be capped at 30%. In addition, a number of those testifying pointed out that with more outreach, advertising, and effective advocacy, the 40% participation rate could be increased.

Blacklist

continued from page 1

out of the city.

He is planning a federal class-action suit against First American Registry, on the grounds that, by not properly updating their records beyond "case filed," they're violating the Federal Credit Reporting Act's requirements that credit reports have to be "complete and accurate." New York law classifies renting an apartment as a credit transaction, he adds.

According to records obtained by Fishman under a Freedom of Information Act request, the state makes about $1 million a year selling Housing Court records in electronic form to tenant-screening companies.

The use of court records to screen tenants may be somewhat less common in the outer boroughs than in Manhattan, but it still happens. "We don't use that at all," says an Astoria real-estate agent, but another Queens broker says "we use it all the time. When you do a credit check, you automatically check landlord-tenant records to see if there are lack-of-payment issues." "Credit reports show if they've been to court or not," says an agent in the Fort Greene-Clinton Hill area of Brooklyn. How it affects the landlord's decision, she adds, "depends on what they went to court for."

There's not much tenants can do about it, says Fishman. In one case he had where the landlord refused to renew the lease because the apartment wasn't the renter's primary residence, the tenant agreed to move out in exchange for the holdover eviction being filed against "John Doe," keeping his name out of the court records.

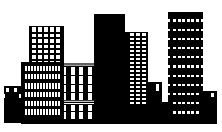
Ultimately, Fishman believes that the lists would be fairer if they only recorded cases where an eviction was actually ordered. But "once landlords have done a three-day notice, there's no way to stop the proceedings," he says. "I have not heard a story where the tenant with the report got the apartment."

WHERE TO GO FOR HELP

LOWER EAST SIDE BRANCH at Cooper Square Committee
61 E. 4th St. (btwn. 2nd Ave. & Bowery)
Tuesdays ..... 6:30 pm

CHELSEA COALITION ON HOUSING
Covers 14th St. to 30th St., 5th Ave. to the Hudson River.
322 W. 17th St. (basement), CH3-0544
Thursdays ..... 7:30 pm

GOLES (Good Old Lower East Side)
525 E. 6th St. (btwn. Aves. A & B) Lower East Side tenants only, 212-533-2541.



HOUSING COMMITTEE OF RENA
Covers 135th St. to 165th St. from Riverside Dr. to St. Nicholas Ave.,
544 W. 157th St. (basement entrance).
Thursdays ..... 8 pm

LOWER MANHATTAN LOFT TENANTS
St. Margaret's House, Pearl & Fulton Sts., 212-539-3538
Wednesdays ..... 6 pm-7 pm

VILLAGE INDEPENDENT DEMOCRATS
26 Perry St. (basement), 212-741-2994
Wednesdays ..... 6 pm

WEST SIDE TENANTS UNION
200 W. 72nd St. Room 63; 212-595-1274
Tuesday & Thursday ..... 2-5 pm
Tuesday & Wednesday 6-7:45 pm

METROPOLITAN COUNCIL ON HOUSING

Met Council is a citywide tenant union.

Our phones are open to the public
Mondays, Wednesdays & Fridays from 1:30 to 5 p.m.

We can briefly answer your questions, help you with organizing or refer you to other help.

212-979-0611

Join Met Council

Membership: Individual, $25 per year; Low-income, $15 per year; family (voluntary: 2 sharing an apartment), $30 per year. Supporting, $40 per year. Sustaining, min. of $100 per year (indicate amount of pledge). For affiliation of community or tenant organizations, large buildings, trade unions, etc. call 212-979-6238.

My apartment is ❑ controlled ❑ stabilized ❑ unregulated ❑ other_____

❑ I am interested in volunteering my time to Met Council. Please call me to schedule times and duties. I can ❑ counsel tenants, ❑ do office work, ❑ lobby public officials, ❑ attend rallies/protests.

Name

Address Apt. No.

City State Zip

Home Phone Number Email

Send your check or money order with this form to:
Metropolitan Council on Housing, 339 Lafayette St., NY, NY 10012